

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL LIA,

Petitioner,

No. C 05-2801 JSW

v.

ORDER TO SHOW CAUSE

JAMES A. YATES, Warden Pleasant Valley
State Prisoner,

Respondent.

Petitioner, Michael Lia, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

BACKGROUND

On March 17 2003, Petitioner was convicted by a jury in the Superior Court for the State of California in and for the County of San Mateo on 29 counts for violating California Penal Code § 288(a), on 15 counts for violating California Penal Code § 288a(b)(2), and 5 counts for violating California Penal Code § 288(c)(1). On April 29, 2003, Petitioner was sentenced to 26 years in state prison.

LEGAL CLAIMS

Petitioner challenges the validity of his underlying conviction on the ground that a confession allegedly obtained in violation of *Miranda v. Arizona*, 394 U.S. 436 (1966) was permitted to be introduced at trial. Liberally construed, Petitioner's claim appears potentially colorable under 28 U.S.C. § 2254 and merits an answer from Respondent.

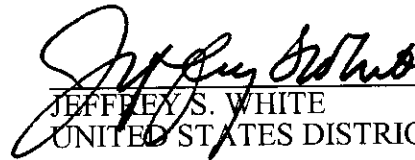
CONCLUSION

For the foregoing reasons and for good cause shown:

1. Petitioner shall serve by certified mail a copy of this Order and the petition and all attachments thereto upon Respondent.
2. Respondent shall file with the Court and serve on Petitioner, within 60 days of the date of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that are relevant to a determination of the issues presented by the petition.
3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within 30 days of his receipt of the answer.

IT IS SO ORDERED.

Dated: JUL 13 2005


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE